

(Pub. L. 92-587, title II, §201, Oct. 27, 1972, 86 Stat. 1297.)

§ 2092. Export certification requirement

(a) Issuance by country of export

No pre-Columbian monumental or architectural sculpture or mural which is exported (whether or not such exportation is to the United States) from the country of origin after the effective date of the regulation listing such sculpture or mural pursuant to section 2091 of this title may be imported into the United States unless the government of the country of origin of such sculpture or mural issues a certificate, in a form acceptable to the Secretary, which certifies that such exportation was not in violation of the laws of that country.

(b) Procedure when certificate lacking

If the consignee of any pre-Columbian monumental or architectural sculpture or mural is unable to present to the customs officer concerned at the time of making entry of such sculpture or mural—

- (1) the certificate of the government of the country of origin required under subsection (a) of this section;
- (2) satisfactory evidence that such sculpture or mural was exported from the country of origin on or before the effective date of the regulation listing such sculpture or mural pursuant to section 2091 of this title; or
- (3) satisfactory evidence that such sculpture or mural is not covered by the list promulgated under section 2091 of this title;

the customs officer concerned shall take the sculpture or mural into customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until such certificate or evidence is filed with such officer. If such certificate or evidence is not presented within the 90-day period after the date on which such sculpture or mural is taken into customs custody, or such longer period as may be allowed by the Secretary for good cause shown, the importation of such sculpture or mural into the United States is in violation of this chapter.

(Pub. L. 92-587, title II, §202, Oct. 27, 1972, 86 Stat. 1297.)

CODIFICATION

References to section 202 of Pub. L. 92-587 in the original were translated as section 2091 of this title in the classification of Pub. L. 92-587 as the probable intent of Congress.

§ 2093. Forfeiture of unlawful imports

(a) Seizure

Any pre-Columbian monumental or architectural sculpture or mural imported into the United States in violation of this chapter shall be seized and subject to forfeiture under the customs laws.

(b) Disposition of articles

Any pre-Columbian monumental or architectural sculpture or mural which is forfeited to the United States shall—

- (1) first be offered for return to the country of origin and shall be returned if that country

bears all expenses incurred incident to such return and complies with such other requirements relating to the return as the Secretary shall prescribe; or

- (2) if not returned to the country of origin, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

(Pub. L. 92-587, title II, §203, Oct. 27, 1972, 86 Stat. 1297.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

§ 2094. Rules and regulations

The Secretary shall prescribe such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter.

(Pub. L. 92-587, title II, §204, Oct. 27, 1972, 86 Stat. 1297.)

§ 2095. Definitions

For the purposes of this chapter—

- (1) The term “Secretary” means the Secretary of the Treasury.
- (2) The term “United States” includes the several States, the District of Columbia, and the Commonwealth of Puerto Rico.
- (3) The term “pre-Columbian monumental or architectural sculpture or mural” means—
 - (A) any stone carving or wall art which—
 - (i) is the product of a pre-Columbian Indian culture of Mexico, Central America, South America, or the Caribbean Islands;
 - (ii) was an immobile monument or architectural structure or was a part of, or affixed to, any such monument or structure; and
 - (iii) is subject to export control by the country of origin; or
 - (B) any fragment or part of any stone carving or wall art described in subparagraph (A) of this paragraph.
- (4) The term “country of origin”, as applied to any pre-Columbian monumental or architectural sculpture or mural, means the country where such sculpture or mural was first discovered.

(Pub. L. 92-587, title II, §205, Oct. 27, 1972, 86 Stat. 1297.)

CHAPTER 12—TRADE ACT OF 1974

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| 2102. | Congressional statement of purpose. |

SUBCHAPTER I—NEGOTIATING AND OTHER AUTHORITY

PART 1—RATES OF DUTY AND OTHER TRADE BARRIERS

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| 2111. | Basic authority for trade agreements. <ol style="list-style-type: none"> (a) Presidential authority to enter into agreement; modification or continuance of existing duties. (b) Limitation on authority to decrease duty. (c) Limitation on authority to increase duty. |
| 2112. | Barriers to and other distortions of trade. |

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	<ul style="list-style-type: none"> (a) Congressional findings; directives; disavowal of prior approval of legislation. (b) Presidential determinations prerequisite to entry into trade agreements; trade with Israel. (c) Presidential consultation with Congress prior to entry into trade agreements. (d) Submission to Congress of agreements, drafts of implementing bills, and statements of proposed administrative action. (e) Steps prerequisite to entry into force of trade agreements. (f) Obligations imposed upon foreign countries or instrumentalities receiving benefits under trade agreements. (g) Definitions. 	2132.	Balance-of-payments authority. <ul style="list-style-type: none"> (a) Presidential proclamations of temporary import surcharges and temporary limitations on imports through quotas in situations of fundamental international payments problems. (b) Import restrictions not imposed when contrary to national interest of United States. (c) Presidential proclamations liberalizing imports. (d) Nondiscriminatory treatment of import restricting actions. (e) Broad and uniform application of import restricting actions. (f) Quantitative limitations. (g) Suspension, modification, or termination of proclamations. (h) Termination of tariff concessions.
2113.	Overall negotiating objective.	2133.	Compensation authority. <ul style="list-style-type: none"> (a) New concessions. (b) Reductions in rates of duty. (c) Consideration of past violations of trade concessions. (d) Basic authority for trade agreements as authority for granting new concessions as compensation. (e) International obligations determination prerequisite to application of authority.
2114.	Sector negotiating objectives. <ul style="list-style-type: none"> (a) Obtaining equivalent competitive opportunities. (b) Conduct of negotiations on basis of appropriate product sectors of manufacturing. (c) Identification of appropriate product sectors of manufacturing. (d) Presidential analysis of how negotiating objectives are achieved in each product sector by trade agreements. 	2134.	Two-year residual authority to negotiate duties. <ul style="list-style-type: none"> (a) Trade agreements. (b) Maximum volume of imported articles subject to reduction of duties or continuance of duty-free or excise treatment. (c) Maximum reduction in duties. (d) Two-year period of authority.
2114a.	Negotiating objectives with respect to trade in services, foreign direct investment, and high technology products. <ul style="list-style-type: none"> (a) Trade in services. (b) Foreign direct investment. (c) High technology products. (d) Definition of barriers and other distortions. 	2135.	Termination and withdrawal authority. <ul style="list-style-type: none"> (a) Grant of authority for termination or withdrawal at end of period specified in agreement. (b) Authority to terminate proclamations at any time. (c) Increased duties or other import restrictions following withdrawal, suspension, or modification of obligations with respect to trade of foreign countries or instrumentalities. (d) Retaliatory authority. (e) Continuation of duties or other import restrictions after termination of or withdrawal from agreements. (f) Public hearings.
2114b.	Provisions relating to international trade in services.		
2114c.	Trade in services: development, coordination, and implementation of Federal policies; staff support and other assistance; specific service sector authorities unaffected; executive functions.		
2114d.	Foreign export requirements; consultations and negotiations for reduction and elimination; restrictions on and exclusion from entry of products or services; savings provision; compensation authority applicable.		
2114e.	Negotiation of agreements concerning high technology industries.		
2115.	Bilateral trade agreements.	2136.	Reciprocal nondiscriminatory treatment. <ul style="list-style-type: none"> (a) Direct and indirect imports. (b) Presidential determination of whether major industrial countries have made substantially equivalent concessions to the United States. (c) Major industrial countries.
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2117.	International safeguard procedures. <ul style="list-style-type: none"> (a) Harmonization, reduction, or elimination of barriers and distortions affecting international trade; use of temporary measures. (b) Permissible provisions. 	2137.	Reservation of articles for national security or other reasons. <ul style="list-style-type: none"> (a) National security considerations. (b) Action taken under other laws.
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§ 2101. Short title

This chapter may be cited as the “Trade Act of 1974”.

(Pub. L. 93–618, § 1, Jan. 3, 1975, 88 Stat. 1978.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 93–618, which in addition

to enacting this chapter enacted section 1863 of this title, amended sections 160, 162, 163, 164, 170a, 1202, 1303, 1315, 1321, 1330, 1332, 1333, 1337, 1352, 1484, 1516, 1806, 1862, 1872, 1885, and 1981 of this title, sections 5312, 5314, 5315, and 5316 of Title 5, Government Organization and Employees, section 301 of Title 13, Census, section 3302 of Title 26, Internal Revenue Code, sections 2631 and 2632 of Title 28, Judiciary and Judicial Procedure, and section 665 of former Title 31, Money and Finance, repealed sections 1802, 1803, 1804, 1805, 1822, 1831, 1832, 1833, 1841, 1842, 1843, 1844, 1845, 1846, 1861, 1871, 1873, 1882, 1883, 1884, 1886, 1901, 1902, 1911, 1912, 1913, 1914, 1915, 1917, 1931, 1941, 1942, 1943, 1944, 1951, 1952, 1961, 1962, 1963, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, and 1991 of this title, and enacted provisions set out as notes under this section and sections 160, 162, 1303, 1321, 1337, 1484, 1515, 1516, 1901, and 2271 of this title and section 301 of Title 13, Census.

REFERENCES TO OTHER LAWS DEEMED REFERENCES TO TRADE ACT OF 1974

Section 602(f) of Pub. L. 93–618, as amended by Pub. L. 96–39, title XI, § 1106(h)(3), July 26, 1979, 93 Stat. 313, provided that: “All provisions of law (other than this Act [this chapter], the Trade Expansion Act of 1962 [chapter 7 of this title], and the Trade Agreements Extension Act of 1951 [see Short Title of 1951 Amendment note set out under section 1654 of this title]), in effect after the date of enactment of this Act [Jan. 3, 1975], referring to section 350 of the Tariff Act of 1930 [section 1351 of this title], to that section as amended, to the Act entitled ‘An Act to amend the Tariff Act of 1930,’ approved June 12, 1934 [enacting sections 1352, 1353, and 1354 and amending section 1351 of this title], to that Act as amended or to the Trade Expansion Act of 1962, or to agreements entered into, or proclamations issued, or actions taken under any of such provisions, shall be construed, unless clearly precluded by the context, to refer also to this Act, or to agreements entered into or proclamations or orders issued pursuant to this Act.”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–210, div. A, § 101, Aug. 6, 2002, 116 Stat. 935, provided that: “This division [enacting part 6 of subchapter II of this chapter, sections 1431a, 1583, and 2318 of this title, sections 35, 6050T, and 7527 of Title 26, Internal Revenue Code, and section 300gg–45 of Title 42, The Public Health and Welfare, amending sections 58c, 482, 1318, 1330, 1411, 1505, 1509, 2075, 2171, 2271 to 2273, 2275, 2291, 2293, 2295 to 2298, 2317, 2346, and 2395 of this title, sections 4980B, 6103, 6724, and 7213A of Title 26, sections 1165, 2862, 2918, and 2919 of Title 29, Labor, section 1324 of Title 31, Money and Finance, and section 300bb–5 of Title 42, renumbering section 35 of Title 26 as section 36 of Title 26, repealing sections 2318, 2322, and 2331 of this title, enacting provisions set out as notes preceding section 2271 and under sections 58c, 482, 1583, 1625, 1654, 2071, 2075, 2082, 2251, 2271, 2331, and 2401 of this title, sections 35 and 6050T of Title 26, and section 2918 of Title 29, and amending provisions set out as a note preceding section 2271 of this title] may be cited as the ‘Trade Adjustment Assistance Reform Act of 2002.’”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–188, title I, § 1951, Aug. 20, 1996, 110 Stat. 1917, provided that: “This subtitle [subtitle J (§§ 1951–1954) of title I of Pub. L. 104–188, enacting sections 2461 to 2467 of this title, amending sections 2702, 3011, 3202, 3331, and 3551 of this title, section 1444–2 of Title 7, Agriculture, section 4711 of Title 15, Commerce and Trade, sections 262p–4p and 2191a of Title 22, Foreign Relations and Intercourse, and section 871 of Title 26, Internal Revenue Code, and enacting provisions set out as a note under section 2461 of this title] may be cited as the ‘GSP Renewal Act of 1996.’”

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103–182, title V, § 501, Dec. 8, 1993, 107 Stat. 2149, provided that: “This subtitle [subtitle A (§§ 501–507) of title V of Pub. L. 103–282, enacting sec-